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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,831	07/31/2000	Michael K. Hargens	1320	5162

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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,831

Applicant(s)

HARGENS ET AL.

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: Jo Temming's signature is missing.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 27, 40, 60, 70, and 90 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Claim 1 fails to disclose who is receiving a communication account request, who is validating the web server, who is associating a communication account, and who is transferring a response to the web server. The same applies for claims 27, 40, 60, 70 and 90.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-99 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,185,545 issued to Resnick et al (hereinafter Resnick).

Regarding claim 1, Resnick teaches a method for dynamically providing communication accounts to web servers for immediate download to users, the method comprising:

receiving a communication account request message from a web server (figure 3; col. 6, lines 5-16, 37-40, 58-62);

validating the web server in response to the communication account request message (figure 3; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39);

associating a communication account with the web server in response to the validation (figure 3; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39); and

transferring a response message to the web server indicating communication account information in response to the association (figure 3; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39).

Regarding claim 2, Resnick teaches the method of claim 1 the method further comprising: receiving the communication account request message from the web server in response to a transaction with the web server by a user (figure 3).

Regarding claim 3, Resnick teaches the method of claim 2 the method further comprising: receiving a user information in the communication account request message from the web server (figure 3; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39).

Regarding claim 4, Resnick teaches the method of claim 3 wherein the user information includes information on the transaction with the web server (abstract).

Regarding claim 5, Resnick teaches the method of claim 4 wherein the user information includes information on the transaction with the web server (col. 6, lines 37-39 and 58-62).

Regarding claim 6, Resnick teaches the method of claim 1 wherein validating the web server further comprises: comparing a web server identification to a list of valid server identifications (col. 6, lines 5-17).

Regarding claim 7, Resnick teaches the method of claim 5 wherein associating the communication account further comprises:

processing the user information to determine if the user should receive the communication account (col. 6, lines 5-17);

Art Unit: 2143

processing the user information to determine a type of communication account in response to a determination that the user should receive the communication account (col. 5, lines 4-31); and

selecting the communication account from a plurality of types of communication accounts based on a determination that the user should receive the communication account (col. 5, lines 4-31; col. 6, lines 5-17).

Regarding claim 8, Resnick teaches the method of claim 7 wherein associating the communication account further comprises storing a record associated with the web server (figure 5).

Regarding claim 9, Resnick teaches the method of claim 7 wherein associating the communication account further comprises: storing a record associated with the user (figure 5).

Regarding claim 10, Resnick the method of claim 7 wherein the communication account is a wireline account (figure 8).

Regarding claim 11, Resnick teaches the method of claim 7 wherein the communication account is a wireless account (figure 7).

Regarding claim 12, Resnick teaches the method of claim 11 wherein the communication account is an internet account (figure 8).

Art Unit: 2143

Regarding claim 13, Resnick teaches the method of claim 12 wherein associating the communication account further comprises: in response to the determination that the user should receive the communication account, determining an amount of prepaid time for the communication account (col. 1, lines 64).

Claims 14-26 and 27-39 have similar limitations as claims 1-13, respectively, therefore are also rejected under the same rationale.

Claims 40-49 and 50-59, and 60-69 have similar limitation as claims 1, 3, and 6-13, respectively, except for the fact that the accounts are being transferred to and from wireless devices. Resnick discloses performing functions similar to these limitations in wireless devices (col. 2, lines 35-41), therefore the above claims are rejected under the same rationale.

Claims 70-79, 80-89, and 90-99 have similar limitation as claims 1, 3, and 6-13, respectively, therefore are also rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPN 6,480,710 issued to Laybourn et al.
2. USPN 6,188,752 issued to Lesley.
3. USPN 5,991,381 issued to Bouanaka et al.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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